THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on: 10.09.2007

+ **IA No.10285/2007 in CS(OS) 418/2007**

SHELL BRANDS INTERNATIONAL AG & ANOTHER ... Plaintiff

- versus -

NAICHAL SINGH ... Defendant

Advocates who appeared in this case:
For the Plaintiffs : Mr Manmohan Singh
For the Defendant : Mr Ambuj Kumar

CORAM:-
HON'BLE MR JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment ?

2. To be referred to the Reporter or not ?

3. Whether the judgment should be reported in Digest ?

BADAR DURREZ AHMED, J (ORAL)

1. This is a joint application filed on behalf of the plaintiff and the defendant for settlement / compromise under Order 23 Rule 3 read with Section 151 of the Code of Civil Procedure, 1908. The plaintiff has filed the suit in respect of its trade marks / trade names and device marks 'SHELL' and / or 'PECTEN'. The plaintiffs claimed infringement of trade marks, passing off, damages, etc. After the interim order was passed by this court, the defendant approached the plaintiffs and sought to settle the matter. The result of the settlement is the present application under Order 23 Rule 3. The defendant has acknowledged the plaintiffs to be the true and lawful owners and proprietors of

the trade marks / trade names and device marks 'SHELL' and / or 'PECTEN' in respect of a wide range of businesses as stated in the plaint. The plaintiffs' trade marks have been registered at Nos.182199 and 279692 in Class-17 w.e.f. 11.11.1957 and 22.04.1972, respectively. The defendant has agreed that it shall not use the trade marks / trade names or device marks of the plaintiffs in relation to its business activities in any manner and under any circumstances so as to amount to an infringement and / or passing off the plaintiffs' trade marks / trade names and device marks. In response to the defendant so agreeing, the plaintiffs have agreed not to press for any claim for damages, etc. The plaintiffs have also agreed to forgo the prayers 'e' and 'f' of para 28 of the plaint. The other terms of the settlement / compromise are set out in the application itself which is marked as Exhibit C-1.

2. I have heard the counsel for the parties and have examined the terms of the settlement and find the same to be lawful. The application (Exhibit C-1) has been signed by Mr Rahul Sethi, who is the constituted attorney of the plaintiffs and Mr Naichal Singh, who is the defendant. It has also been signed by the respective counsel for the parties. The affidavits of Mr Rahul Sethi and Mr Naichal Singh have also been filed in response to this application. The compromise is taken on record. This suit is decreed in terms of the settlement arrived at between the parties and, in particular, a decree is passed in favour of the plaintiffs and against the defendant in terms of para 28 (a), (b), (c) and (d).

This application (Exhibit C-1) shall form part of the decree.

BADAR DURREZ AHMED
(JUDGE)

September 10, 2007
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